

Senate File 300 - Introduced

SENATE FILE 300

BY DANIELSON

A BILL FOR

1 An Act relating to plea bargaining by a prosecuting attorney
2 and a criminal defendant.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 701.12 Plea bargaining.

2 The prosecuting attorney and the attorney for the defendant,
3 or the defendant if the defendant is proceeding pro se, may
4 engage in discussions with a view toward reaching an agreement
5 that, upon the entering of a plea of guilty to a charged
6 offense or to a lesser or related offense, the prosecuting
7 attorney will make a charging or sentencing concession.
8 However, the prosecuting attorney and the attorney for the
9 defendant, or the defendant if the defendant is proceeding
10 pro se, shall not engage in such discussions on the day the
11 impaneling of the jury begins, and the parties shall proceed
12 to trial or the defendant shall enter a plea of guilty to the
13 charge without a charging or sentencing concession.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to plea bargaining by a prosecuting
18 attorney and a criminal defendant.

19 The bill provides that the prosecuting attorney and the
20 attorney for the defendant, or the defendant if the defendant
21 is proceeding pro se, may engage in discussions with a view
22 toward reaching an agreement that, upon the entering of a
23 plea of guilty to a charged offense or to a lesser or related
24 offense, the prosecuting attorney will make a charging or
25 sentencing concession. However, the bill prohibits engaging
26 in such discussions on the day the impaneling of the jury
27 begins, and the parties are required to proceed to trial or the
28 defendant shall enter a plea of guilty to the charge without a
29 charging or sentencing concession.